

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JASON ATHERTON,	:
Plaintiff,	:
	:
v.	: Docket No. 2:14-CV-14
	:
ORLEANS COUNTY SHERIFF'S	:
DEPARTMENT, MARKETPLACE	:
INSURANCE, DEPUTY KYLE INGALLS,	:
DEPUTY CORY BINGHAM,	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed September 18, 2014. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The Orleans County Sheriff's Department's Motion to Dismiss the Amended Complaint (Doc. 24) and Deputy Ingalls and Deputy Bingham's Motion to Dismiss the Amended Complaint (Doc. 30) is GRANTED and this case is DISMISSED. It is further ordered that Plaintiff's Motion to Appoint Counsel (Doc. 26) is DENIED AS MOOT.

Pursuant to Fed. R. App. P. 22(b), a certificate of appealability is DENIED because the petitioner has failed to make a substantial showing of denial of a federal right. Furthermore, the petitioner's grounds for relief do not present

issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further proceedings. See e.g., Flieger v. Delo, 16 F.3rd 878, 882-83 (8th Cir.) cert. denied, 513 U.S. 946 (1994); Sawyer v. Collins, 986 F.2d 1493, 1497 (5th cir.), cert. denied, 508 U.S. 933 (1993).

Furthermore, it is certified that any appeal of this matter would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

Dated at Burlington, in the District of Vermont, this 15th day of October, 2014.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge